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LETTER DATED 22 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith a letter dated 22 December 1991 from Mr. Ahmed Hussein, Minister for Foreign Affairs of the Republic of Iraq, together with an enclosure, concerning Security Council document S/23273 (issued on 9 December 1991).

I should be grateful if you would have this letter and its enclosure circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 22 December 1991 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I have the honour to refer to Security Council document S/23273 of 9 December 1991, which contains the further report of the Secretary-General on the implementation of Security Council resolution 598 (1987), concerning settlement of the Iraq-Iran conflict. In that report, the Secretary-General addressed paragraph 6 of the aforementioned resolution.

On this occasion, I wish to add the following remarks to the statement made by the official spokesman for Iraq's Ministry of Foreign Affairs on 13 December 1991, a copy of which is enclosed with this letter. Palpable and authenticated evidence demonstrates that Iran began to shell Iraqi cities and villages in July 1980 and that the Iranian armed forces intensified that shelling on 4 September 1980 when they brought 175-millimetre artillery to bear against the Iraqi cities of Khanaqin, Mandali, Zurbatiyah and Naft Khaneh. The Iranian air force also conducted military operations against Iraq, producing clashes in which aircraft were shot down and ships were sunk and destroyed in the approaches to the Shatt al-Arab. All these incidents occurred before 22 September 1980, in addition to a long series of attacks, threats and violations of Iraq's sovereignty, territorial integrity and internal security committed under the terms of a plan - openly declared by the leaders of the Iranian regime - to take control of Iraq and subject it to Iran's authority. It was as a result of all these operations that Iraq responded, exercising thereby its legitimate right to self-defence. Iraq informed the United Nations and a number of international organizations of these facts and documented them on many occasions. The way the Secretary-General's report belittles the significance of such attacks, violations and threats against the sovereignty and security of a State Member of the United Nations, and the openly hostile intentions underlying such actions, is incompatible with the principles of the United Nations and its obligations to Member States. Neither is it in any way compatible with the manner in which many other international conflicts have been interpreted.

It is also a fact that, as soon as the Security Council intervened in the dispute by adopting its first resolution on that subject (resolution 479 (1980) of 28 September 1980), Iraq announced its acceptance of the resolution and its readiness immediately to declare an unconditional cease-fire. As is well known, Iran rejected the resolution, just as it rejected all the subsequent resolutions adopted by the Security Council, namely resolutions 514 (1982), 522 (1982), 540 (1983), 582 (1986) and 588 (1986), whereas Iraq accepted them all as soon as they were adopted. The report of the Secretary-General ignores this essential aspect, which has a direct bearing on the tasks and role of the United Nations in the maintenance of peace and security. Neither is it any secret that Iran refused to agree to Security Council resolution 598 (1987), which was accepted by Iraq immediately

after its adoption. Iran continued to reject the resolution for almost an entire year, accepting it only after having suffered a crushing military defeat.

Both before and after the outbreak of armed conflict with Iran, Iraq adhered to a principled position of asserting the primacy of good-neighbourly relations, non-intervention in internal affairs and respect for sovereignty. After the outbreak of armed conflict, it also strove to ensure that the dispute was resolved by means of a comprehensive, lasting, just and honourable peace settlement in accordance with the provisions of the Charter of the United Nations and of international law. This consistent position has been documented both in the United Nations and in other international organizations and agencies. Iran, however, adopted a diametrically opposite position. The Iranian Government refused to halt the conflict on the basis of these legitimate provisions, rejected the Security Council's authority to settle the conflict, insisted on continuing its war of aggression and set conditions which were incompatible with the principles of the Charter and of international law. It is a fact that, for the period from the Security Council's adoption of resolution 479 (1980) on 28 September 1980 until Iran's acceptance of resolution 598 (1987) on 19 July 1988, it is Iran alone which bears full international responsibility for the continuation of the war against Iraq and for all the consequences of such responsibility.

I request that you have this letter and its enclosure circulated as an official document of the Security Council.

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs

Enclosure

Statement by an official spokesman for the Ministry of Foreign Affairs

On 9 December 1991, the Secretary-General of the United Nations published a further report on the implementation of Security Council resolution 598 (1987), concerning settlement of the Iraq-Iran conflict. The report addresses paragraph 6 of the aforementioned resolution, under which the Secretary-General is required to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Security Council.

Since the Secretary-General's report contains judgements which he has pronounced in his personal capacity, the report is entirely devoid of any legal value and reflects only the personal opinion of Mr. Javier Pérez de Cuéllar. Mr. Pérez de Cuéllar's conduct and behaviour have become evident to all following his adoption of various positions designed to placate the Iranian regime with a view to promoting suspicious deals with that regime on behalf of Western interests, and particularly those of the United States.

Evidence of this fact is provided by the manner in which the report was published. On 26 November 1991, the Secretary-General published a report on Security Council resolution 598 (1987) without addressing paragraph 6, causing astonishment in United Nations diplomatic circles at the time.

A few days after the publication of this report, the Secretary-General issued a separate report on paragraph 6. The date of its publication was clearly linked to the deal made by Mr. Javier Pérez de Cuéllar with the Iranian regime for the release of American hostages in Lebanon, because the report was issued following the release of the last United States hostage on 4 December 1991.

The deal was concluded without regard for those principles of international law and probity which are supposed to be observed when addressing such a highly important issue as the facts of the Iraq-Iran conflict.

Contrary to the observations made in this tendentious report, Iraq has demonstrated - by adducing historical facts and legal arguments based on the provisions of the Charter of the United Nations and of international law - that it was the Iranian regime which initiated the aggression against Iraq by all the means at its disposal and which insisted on continuing the war. For a period of eight years, it rejected all the Security Council resolutions which called for a halt to the war, including resolution 598 (1987), which was accepted by the Iranian regime only after it had suffered a crushing military defeat. These facts, which have an essential bearing on the subject, were deliberately ignored in Mr. Pérez de Cuéllar's report.

Perhaps the only positive aspect of Mr. Pérez de Cuéllar's report is its correct conclusion that there is no point in pursuing this paragraph. It is a historical fact that the paragraph was originally inserted in resolution 598 (1987) in order to serve as a device and a cover for bargaining with the Iranian regime to restore ties between that regime and the United States. The Iranian side's response to the Secretary-General's statements provides clear evidence of that fact: the Iranian regime quickly took advantage of the cover both for the hostage deal concluded with the United States through Pérez de Cuéllar and for the recently published reports confirming its receipt of weapons from the Zionist entity with the approval of the Reagan and Bush Administrations.

Historical facts cannot be concealed by shady deals arranged under the cover of the United Nations and its agencies by their officials. This report provides further evidence of the Organization's loss of credibility as it is harnessed by the United States and its allies to the service of those countries' political and intelligence interests.